



Rule 11.15(4)(a)

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST**

Case: S ECI 2023 01835

Filed on: 28/04/2025 03:43 PM

No. S ECI 2023 01835

BETWEEN

JUSTINE LIDGETT

First Plaintiff

CAMERON LIDGETT

Second Plaintiff

AND

DOWNER EDI LIMITED (ACN 003 872 848)

First Defendant

AND

KPMG (A FIRM) (ABN 51 194 660 183)

Second Defendant

THIRD PARTY NOTICE

Date of Document: 28 April 2025

Filed on behalf of: Second Defendant

Prepared by:

Allens

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To: DOWNER EDI LIMITED (ACN 003 872 848)

of 39 Delhi Road, North Ryde NSW 2113

TAKE NOTICE that the Plaintiffs have brought this proceeding against the Defendants for the claim set out in the writ and statement of claim served herewith.

AND TAKE NOTICE that the Second Defendant disputes the Plaintiffs' claim on the grounds set out in the Second Defendant's defence served herewith, and claims to be entitled to relief against you on the grounds set out in the statement of claim indorsed on this notice.

FILED 28 April 2025.

Prothonotary

STATEMENT OF CLAIM

1. The Second Defendant (**KPMG**) refers to and repeats paragraphs 170–182 of its Defence to Third Party Notice filed 27 September 2024 and says that, by reason of those matters, to the extent that KPMG is liable to any Plaintiff or Group Member, that is a loss suffered by KPMG for which the First Defendant (**Downer**) is liable.
2. Alternatively, KPMG refers to and repeats paragraphs 363–366 of its Defence to Amended Consolidated Statement of Claim filed 28 April 2025 and says that:
 - (a) by reason of those matters, to the extent that KPMG is liable to any Plaintiff or Group Member and that liability is not subject to a proportionate liability regime:
 - i. Downer is liable to that Plaintiff or Group Member in respect of the same damage; and/or
 - ii. Downer has a liability to that Plaintiff or Group Member which is co-ordinate with that of KPMG; and
 - (b) KPMG claims contribution from Downer pursuant to Part IV of the *Wrongs Act 1958* (Vic) and/or any applicable State or Territory equivalent and/or in equity.

AND KPMG CLAIMS:

- A. Damages.
- B. Further or in the alternative, compensation under:
 - a. s 236(1) of the Australian Consumer Law set out at Schedule 2 to the *Competition and Consumer Act 2010* (Cth);
 - b. s 1041I(1) of the *Corporations Act 2001* (Cth);
 - c. s 12GF(1) of the *Australian Securities and Investments Commission Act 2001* (Cth).
- C. Contribution.
- D. Costs.

P Herzfeld
J Roy
M Mellos

Dated: 28 April 2025



ALLENS

1. This notice was filed for the Second Defendant by Allens, solicitor, of 101 Collins Street Melbourne VIC 3000.
 2. The address of the Second Defendant is— KPMG, Level 38, Tower Three, International Towers Sydney, 300 Barangaroo Avenue, Sydney NSW 2000.
 3. The address for service of the Second Defendant is— Allens, 101 Collins Street Melbourne VIC 3000.
 - 3A. The email address for service of the Second Defendant is—
Ross.Drinnan@allens.com.au and
Allens-DownerEDI@allens.com.au.
 4. The address of the First Defendant is— 39 Delhi Road, North Ryde NSW 2113
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